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FAX TRANSMITTAL COVER SHEET

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JUL 28 2004

OFFICIAL

TO: U. S. Patent and Trademark Office
Attn: Examiner, Trinh T. Nguyen
Art Unit: 3644

FAX NO.: (703) 872-9306

DATE: July 28, 2004

FROM: Derek V. Forinash

Conley Rose, P.C.
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CLIENT NO.: 2224-00300

TOTAL NUMBER OF PAGES (INCLUDING THIS ONE) 5COMMENTS: Re: U.S. Patent Application No. 10/684,765
Filing Date: October 14, 2003
Applicant(s): Desmond J. LatoucheThe following documents are attached for filing:

Transmittal Form (1 p.)

PTO Fee Transmittal (1 p.)

Response to Restriction Requirement Dated June 28, 2004 (2 p.)

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being sent by facsimile transmission on the date shown below to the facsimile number above to the U.S. Patent and Trademark Office, in accordance with 37 CFR § 1.6(d).

M. A. CRABTREE

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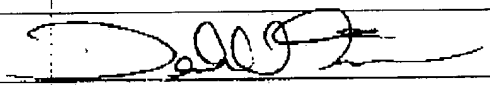
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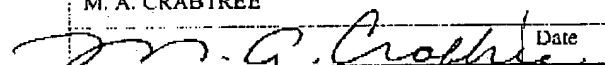
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/684,765
		Filing Date	October 14, 2003
		First Named Inventor	Desmond J. Latouche
		Art Unit	3644
		Examiner Name	T. Nguyen
Total Number of Pages in This Submission	4	Attorney Docket Number	2224-003(X) DVF

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual Name	DEREK V. FORINASH
Signature	
Date	July 27, 2004

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Signature	
Date	July 28, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL
For FY 2004

Effective 10/01/2003 Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

\$ 00.00

Complete if Known

Application Number	10/684,765
Filing Date	October 14, 2003
First Named Inventor	Desmond J. Latouche
Examiner Name	T. Nguyen
Art Unit	3644
Attorney Docket No.	2224-00300 DVF

METHOD OF PAYMENT (Check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number: 03-2769

Deposit Account Name: Conley Rose, P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account☒ Credit any overpayments**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 365	Utility filing fee	\$
1002 340	2002 170	Design filing fee	\$
1003 530	2003 265	Plant filing fee	\$
1004 770	2004 385	Reissue filing fee	\$
1005 160	2005 80	Provisional filing fee	\$

SUBTOTAL (1) \$00.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
24	24** = 0	9.00	\$00.00
Independent Claims	1	3** = 0	43.00 = \$00.00
Multiple Dependent		145.00	= \$00.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent Claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$00.00

** or number previously paid, if greater; For Reissues, see above

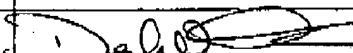
FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	\$
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	\$
1053 130	1053 130	Non-English specification	\$
1812 1,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	\$
18042 920*	1804 920*	Requesting publication of SIR prior to Examiner action	\$
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	\$
1251 110	2251 55	Extension for reply within first month	\$
1252 420	2252 210	Extension for reply within second month	\$
1253 950	2253 475	Extension for reply within third month	\$
1254 1,480	2254 740	Extension for reply within fourth month	\$
1255 2,010	2255 1,005	Extension for reply within fifth month	\$
1401 330	2401 165	Notice of Appeal	\$
1402 330	2402 165	Filing a brief in support of an appeal	\$
1403 280	2403 140	Request for oral hearing	\$
1451 1,510	1452 1,510	Petition to institute a public use proceeding	\$
1452 110	2452 55	Petition to revive - unavoidable	\$
1453 1,330	2453 665	Petition to revive - unintentional	\$
1501 1,330	2501 665	Utility issue fee (or reissue)	\$
1502 480	2502 240	Design issue fee	\$
1503 640	2503 320	Plant issue fee	\$
1460 130	1460 130	Petitions to the Commissioner	\$
1807 50	1806 50	Processing fee under 37 CFR 1.17(g)	\$
123 50	123 50	Petitions related to provisional applications	\$
1806 180	1806 180	Submission of Information Disclosure Sheet	\$
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	\$
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	\$
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	\$
1801 770	2801 385	Request for Continued Examination (RCE)	\$
1802 900	1802 900	Request for expedited examination of a design application	\$

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$00.00**SUBMITTED BY**

Name (Print/Type)	DEREK V. FORINASH	Registration No. (Attorney/Agent)	47,231	Telephone	(713) 238-8000
Signature				Date	July 28, 2004

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JUL 28 2004

APPLICANT: DESMOND J. LATOUCHE

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ART UNIT: 3644

SERIAL NO.: 10/684,765

EXAMINER:
T. NGUYEN

FILED: OCTOBER 14, 2003

CONFIRMATION NO.: 3350

FOR: MODULAR SPIN FISHING
SYSTEM

OFFICIAL

RESPONSE TO RESTRICTION REQUIREMENT DATED JUNE 28, 2004

Atty. Dkt. No.: 2224-00300

Clk. Ref. No.: 24842-0012

Date: July 28, 2004

Mail Stop Amendment
Commissioner For Patents
P. O. Box 1450
Alexandria, VA. 22313-1450

Sir:

This paper is filed in response to the Office Action dated June 28, 2004.

Remarks/Arguments begin on page 2 of this paper.

REMARKS

In the Office Action the Examiner issued a requirement for restriction. The Examiner requires an election of species and found that there are no generic claims. The Examiner requires election of one fishing rod holder, identified as Species I-V, one fishing rod handle, identified as Species A-C, and one Fishing rod, identified as Species 1-3.

In response, the Applicant elects Species I, B, and 2, corresponding to Figures 1, 2, and 5, as well as item 24b of Figure 7 and item 20b of Figure 8. The Applicant traverses the finding that there is no generic claim and asserts that at least claim 1 is generic.

Claims Corresponding to Elected Species

The Applicant elects the fishing rod holder of Species I as reflected in Figures 1, 2, and 5. Further, the Applicant elects the fishing rod handle of Species B as reflected in item 24b of Figure 7. Still further, the Applicant elects the fishing rod of Species 2 as reflected in item 20b of Figure 8. The Applicant also contends that Species III (no. 12a of Figure 6) encompasses components identical to those of Species II in Figures 3 and 4. Similarly, Species IV (no. 12b of Figure 6) encompasses components identical to those of Species I in Figures 1, 2, and 5.

Claims 1-21 and 23-24 are readable on the combination of Species I, B, and 2. Thus, of the pending claims, only claim 22 includes limitations not found in Species I/B/2.

Generic Claims

As stated in MPEP 806.04(d), "a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species." Thus, a generic claim cannot include limitations not present in each of the species claims. The present application has only one independent claim, claim 1. By definition, each of the remaining claims (2-24) includes all of the limitations found in claim 1. Further, the limitations found in claim 1 are found in each of the species identified by the Examiner. Therefore, claim 1 should be considered a generic claim.

Respectfully submitted,



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